

Hon. John H. Reagan 16 Senate votes.  
85 House votes.

Total 101  
Hon. O. M. Roberts 2 Senate votes.  
2 House votes.

Total 4  
Hon. John Ireland 1 Senate vote.  
4 House votes:

Total 5  
Hon. A. W. Terrell 1 House vote.

Whereupon, the Speaker declared that the Hon. John H. Reagan, having received a majority of all the votes cast, was duly and constitutionally elected Senator to represent the State of Texas in the Senate of the United States for the term of six years, commencing March 4, 1887.

The joint session was then dissolved and then the Senate retired to its chamber.

#### IN THE SENATE.

On motion of Senator Woods, the Senate adjourned until to-morrow morning at 10 o'clock.

#### TWENTIETH DAY.

SENATE CHAMBER, }  
AUSTIN, TEXAS, February 2, 1887. }  
The Senate met pursuant to adjournment.

Lieutenant Governor Wheeler in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Burges,

The reading of the Journal of yesterday was dispensed with.

On motion of Senator Allen, Senator Davis was excused for one week, an account of sickness in his family.

On motion of Senator Lane, Senator Houston was excused for three days, on account of important business.

On motion of Senator Camp,

Senator Pope was excused for three days, on account of sickness.

#### SENATOR ALLEN

Entered the following motion:

I move that the vote on Senate bill No. 8, adopting committee adverse re-

port, be reconsidered and spread on the Journals.

#### PETITIONS AND MEMORIALS.

BY SENATOR DOUGLAS OF JEFFERSON:

Petition from citizens of Beaumont, Jefferson county, protesting against the passage of the House insurance bill.

Referred to Committee on Insurance, Statistics and History.

BY SENATOR KNITTLE:

Petition from citizens of Washington county, Texas, against insurance bill.

Referred to Committee on Insurance, Statistics and History.

BY SENATOR JARVIS:

Petition of citizens of Wise county, against the passage of Moore bill, relative to insurance companies.

Referred to Committee on Insurance, Statistics and History.

BY SENATOR CAMP.

By request of Senator Pope:

Memorial of citizens of third senatorial district, protesting against the passage of what is known as the Moore Insurance Regulation bill.

Referred to Committee on Insurance, Statistics and History.

BY SENATOR DOUGLAS OF GRAYSON:

Petition of citizens of Grayson county, against passage of insurance bill.

Referred to Committee on Insurance, Statistics and History.

BY SENATOR GREGG:

Petition of citizens of Wills Point, against the passage of the insurance bill.

Referred to Committee on Insurance, Statistics and History.

BY SENATOR CALHOUN:

Petition of citizens of Howard county, against insurance bill.

Referred to Committee on Insurance, Statistics and History.

BY SENATOR LANE:

Petition of citizens of Fayette county, against insurance bill.

Referred to Committee on Insurance, Statistics and History.

BY SENATOR UPSHAW:

Petition of citizens of Waxahachie, Ellis county, against the pending telephone bill.

Referred to Committee on Internal Improvements.

BY SENATOR WOODS,

By request of Senator Davis:

Petition from citizens of Houston

county, asking for a change in the stock law.

Referred to Committee on Stock and Stockraising.

BY SENATOR FRANK:

Petition of the citizens of Erath county, asking extension of time of payment of taxes.

Referred to Committee on Finance.

BY SENATOR CAMP.

Petition of citizens of Tyler, against the passage of the insurance bill.

Referred to Committee on Insurance, Statistics and History.

BY SENATOR BURNEY:

Petition of citizens of San Antonio, praying for passage of bill regulating the practice of architecture in Texas.

Referred to Judiciary Committee No. 1.

### COMMITTEE REPORTS.

BY SENATOR FRANK:

COMMITTEE ROOM, }  
AUSTIN, February 1, 1887. }  
*Hon. T. B. Wheeler, President of the Senate:*

Sir—Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 4, being an act to be entitled "An act to amend Article 3200 of the Revised Civil Statutes of the State of Texas," and find the same correctly engrossed.

FRANK, chairman.

COMMITTEE ROOM, }  
AUSTIN, February 1, 1887. }  
*Hon. T. B. Wheeler, President of the Senate:*

Sir—Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 14, being an act to be entitled "An act to define and punish the conversion of personal property by hirers, borrowers and other bailees," and find the same correctly engrossed.

FRANK, chairman.

BY SENATOR BELL:

COMMITTEE ROOM, }  
AUSTIN, February 1, 1887. }  
*Hon. T. B. Wheeler, President of the Senate:*

Sir—Your Judiciary Committee No. 2, to whom was referred Senate bill No. 25, entitled "An act to amend Article 685 of the Code of Criminal Procedure," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

BELL, chairman.

Bill read first time.

COMMITTEE ROOM, }  
AUSTIN, February 1, 1887, }  
*To. Hon. T. B. Wheeler, President of the Senate:*

Sir—Your Judiciary Committee No. 2, to which was referred Senate bill No. 10, entitled "An act to repeal Article 685 of the Code of Criminal Procedure," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

BELL, chairman.

Bill read first time.

COMMITTEE ROOM, }  
AUSTIN, February 1, 1887. }  
*Hon. T. B. Wheeler, President of the Senate:*

Sir—Your Judiciary Committee No. 2, to whom was referred Senate bill No. 39, entitled "An act to amend Article 425 of the Penal Code, to prevent certain destruction of fish," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

BELL chairman.

Bill read first time.

COMMITTEE ROOM, }  
AUSTIN, February 1, 1887. }  
*Hon. T. B. Wheeler, President of the Senate:*

Sir—Your Judiciary Committee No. 2, to whom was referred Senate bill No. 15, entitled "An act to make it penal to use language, or to be guilty of conduct reasonably calculated to provoke a breach of the peace, and to prescribe the punishment therefor," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

The bill seeks to give redress at law for abusive language, and to make it penal for any person to use insulting language, which is calculated to provoke a breach of the peace, concerning another, in his presence or hearing, and provides a punishment, by fine, therefor.

All of which is respectfully submitted.

BELL, chairman.

Bill read first time.

BY SENATOR CALHOUN:

COMMITTEE ROOM, }  
AUSTIN, February 1, 1887. }  
*Hon. T. B. Wheeler, President of the Senate:*

Sir—Your Judiciary Committee No. 2, to whom was referred Senate bill No. 11, entitled "An act to amend title 10, chapter 1, of the Code of Criminal Procedure of the State of Texas by adding thereto Articles 870a and 870b," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

CALHOUN, for committee.

#### BILLS AND RESOLUTIONS.

BY SENATOR FRANK:

A bill to be entitled "An act to repeal Article 4576, title 93, chapter 3, of the Revised Civil Statutes of the State of Texas."

The bill repeals Article 4576 of the Revised Civil Statutes which provides for county commissioners advertising and selling estrays.

Referred to Committee on Stock and Stockraising.

BY SENATOR GLASSCOCK:

A bill to be entitled "An act to provide for revising, digesting and publishing the laws, civil and criminal, of the State of Texas."

The bill provides for a revision of the laws, which, under the Constitution, is required to be done every ten years, it now being near ten years since the last revision of the laws.

Referred to Committee on State Affairs.

BY SENATOR TERRELL:

"An act to amend the Revised Civil Statutes by adding thereto Article 2134a, relating to the partition and distribution of estates of deceased persons."

The bill provides that when a will has been probated in any State or country outside of Texas, and under such will an administrator has been also appointed in Texas, that the Texas administrator, after the expiration of twelve months from his appointment, and after all debts due

by the estate in this State have been paid, may remit any balance in his hand to the representatives of the estate appointed by the court in which the bill was originally probated, and that their receipt for same shall be sufficient to release the Texas administrator from further liability.

Referred to Judiciary Committee No. 1.

BY SENATOR CLAIBORNE:

An act to be entitled "An act to amend Article 3641, chapter 1, title 74, Revised Civil Statutes."

The bill provides that branch pilots shall reside in the State two years before qualifying as such pilots, etc.

Referred to Judiciary Committee No. 1.

BY SENATOR CALHOUN:

A bill to be entitled "An act to repeal Articles 547 and 548 of the Penal Code."

Referred to Judiciary Committee No. 2.

BY SENATOR HARRISON:

Be it resolved by the Senate of the State of Texas, That the Commissioner of the General Land Office be requested to furnish, at as early a day as practicable, for the use of the Senate, a statement showing the amount of the different classes of certificates, railway, Confederate and veteran, that have been located on reserved land.

The respective reservations or class of reserved land on which such certificates have been located.

The amount of each class of the said certificates located on each reservation.

The time when such location was made.

To what railway or to what person such certificate was issued.

The time when the location was made and the certificate filed in the General Land office.

The standing of the locations made by each particular class of certificates on each particular reservation is recognized as being by the Commissioner of the General Land office. If any patents on locations made on reserved lands have been issued, to whom they were issued, when issued, on what certificate, and on what reservation.

In each instance give the name of the county in which the land is situated, upon which any such locations and surveys have been made, and for which patents have been issued if any.

The resolution was adopted.

## A MESSAGE

From the Governor was received as follows:

EXECUTIVE OFFICE, )  
AUSTIN, February 2, 1887. )

*To the Senate of the State of Texas:*

I ask your advice and consent to the appointment of Gen. Walter P. Lane, of Marshall; Judge H. P. Teague, of Kaufman; W. M. Ferguson, of San Antonio, to be the "Droughth Relief Committee."

Respectfully, L. S. ROSS,  
Governor of Texas.

Also:

EXECUTIVE OFFICE, )  
AUSTIN, February 2, 1887. )

*To the Senate of the State of Texas:*

I ask your advice and consent to the appointment of David E. Thomas as one of the Trustees for the Blind Asylum, in place of Hon. I. G. Searcy, resigned.

Respectfully, L. S. ROSS,  
Governor of Texas.

## THE PRESIDENT

Announced the appointment of the following special committees:

To visit the schools: Senators Harrison and Woods.

To visit the insane asylum at Terrell: Senators Simkins and Armistead.

## SENATOR WOODS

Moved that the regular order be suspended, and that Senate bill 103, a bill to be entitled "An act to authorize railway companies to abandon certain portions of their roads near the coast, where their termini are at points where towns, being county seats, have been destroyed by storm and cyclones," be taken up.

The rules were suspended and the bill taken up by the following vote:

## YEAS—27.

Abercrombie,	Gregg,
Allen,	Harrison,
Armistead,	Jarvis,
Bell,	Knittle,
Burges,	Lane,
Burney,	McDonald,
Calhoun,	MacManus,
Camp,	Simkins,
Douglass of J,	Stinson,
Douglass of G,	Terrell,
Field,	Upshaw,
Frank,	Woods,
Garrison,	Woodward.
Glasscock,	

## NAYS—none.

The bill was placed on its second reading.

## SENATOR CLAIBORNE

Offered the following amendment, which was agreed to:

In fourth line, section 2, after the word "rule," insert "requiring bills to be read on three several days before passage."

The bill was ordered engrossed.

## SENATOR WOODS

Moved that the constitutional rule be suspended, and the bill put upon its passage.

Agreed to by the following vote:

## YEAS—27.

Abercrombie,	Glasscock,
Allen,	Gregg,
Armistead,	Harrison,
Bell,	Jarvis,
Burges,	Lane,
Burney,	McDonald,
Calhoun,	MacManus,
Camp,	Simkins,
Claiborne,	Stinson,
Douglass of J,	Terrell,
Douglass of G,	Upshaw,
Field,	Woods,
Frank,	Woodward.
Garrison,	

## NAYS—none.

The bill was then passed by the following vote:

## YEAS—27.

Abercrombie,	Gregg,
Allen,	Harrison,
Armistead,	Jarvis,
Bell,	Knittle,
Burney,	Lane,
Calhoun,	McDonald,
Camp,	MacManus,
Claiborne,	Simkins,
Douglass of J,	Stinson,
Douglass of G,	Terrell,
Field,	Upshaw,
Frank,	Woods,
Garrison,	Woodward.
Glasscock,	

## NAYS—none.

## SENATOR SIMKINS

Offered the following resolution:

Resolved, That one thousand copies of the Senate Journal be printed for the use of Senators.

Senators Simkins, MacManus, Allen, Armistead, Terrell, Gregg, Field and Lane, favored its passage, and

Senators Burges, Burney, Upshaw, Stinson, Garrison, Douglass of Jefferson, and Jarvis, opposed it.

## SENATOR BURNBY

Moved to lay the resolution on the table.

Lost by the following vote:

## YEAS—9.

Bell,	Douglass of J,
Burges,	Douglass of G,
Burney,	Garrison,
Camp,	Upshaw.
Claiborne,	

## NAYS—19.

Abercrombie,	Knittle,
Allen,	Lane,
Armistead,	McDonald,
Calhoun,	MacManus,
Field,	Simkins,
Frank,	Stinson,
Glasscock,	Terrell,
Gregg,	Woodward,
Harrison,	Woods.
Jarvis,	

## SENATOR M'DONALD

Moved the previous question on adoption of the resolution. The previous question was seconded and the main question ordered.

The resolution was then agreed to, by the following vote.

## YEAS—15.

Armistead,	Glasscock,
Allen,	Harrison,
Abercrombie,	Lane,
Calhoun,	MacManus,
Frank,	Simkins,
Field,	Terrell,
Gregg,	Woods,
	Woodward.

## NAYS—13.

Bell,	Garrison,
Burges,	Jarvis,
Burney,	Knittle,
Camp,	McDonald,
Claiborne,	Stinson,
Douglass of J,	Upshaw.
Douglass of G,	

## A MESSAGE

Was received from the House announcing that the House had passed Senate bill No. 5, "An act to amend Article 1653, title 33, of the Revised Civil Statutes," with amendments.

## THE PRESIDENT

Submitted to the Senate Senate bill No. 16, an act entitled "An act to amend chapter 10, title 15, of the Penal Code of the State of Texas, by repealing Articles 547 and 548 of said chapter, and to amend Article 549 of said chapter," on its second reading.

The report of the committee was read.

## SENATOR BELL

Moved the adoption of the amendments recommended by the committee, which were severally agreed to.

## SENATOR GLASSCOCK

Offered the following amendment to section 2 of the bill:

"Provided it is shown by competent evidence that the body of the deceased cannot be found it will only be necessary to prove the act of the homicide."

## SENATOR GLASSCOCK

Explained the effect of his amendment, and Senators Douglass of Jefferson, Gregg, Calhoun, Bell, Allen and Terrell, spoke in opposition thereto.

The amendment was lost by the following vote:

## YEAS—6.

Abercrombie,	Knittle,
Burges,	Simkins,
Glasscock,	Upshaw.

## NAYS—21.

Allen,	Gregg,
Armistead,	Harrison,
Bell,	Jarvis,
Burney,	Lane,
Calhoun,	McDonald,
Camp,	MacManus,
Douglass of J,	Stinson,
Douglass of G,	Terrell,
Field,	Woods,
Frank,	Woodward.
Garrison,	

Substitute Senate bill No. 16, which was considered in connection with the foregoing Senate bill, was.

On motion of Senator Bell,

Ordered to lie on the table.

On motion of Senator Terrell,

The Senate then went into executive session.

## IN SENATE.

On motion of Senator Calhoun, the confirmations of the executive session were ordered printed in the Journal, and the Governor to be notified of the same.

The Senate advises and consents to the appointment of General Walter P. Lane of Marshall, Judge H. P. Teague of Kaufman, and W. M. Ferguson of San Antonio, to be Drouth Relief Committee, and David E. Thomas one of the Trustees of the Blind Asylum, vice I. G. Searcy, resigned.

## A MESSAGE

Was received from the Governor, read and ordered printed in the Journal as follows:

EXECUTIVE OFFICE, }  
AUSTIN, February 2, 1887. }

*To the Senate of the State of Texas:*

I ask your advice and consent to the appointment of T. C. Thompson

of Galveston as one of the Board of Regents of the University of Texas.

Respectfully,

L. S. Ross,  
Governor of Texas.

Senator Frank moved that the Senate proceed to consideration of executive business, to which motion objection was raised and it went over for one day.

On motion of Senator Terrell,

The Senate adjourned until tomorrow morning at 10 o'clock.

#### TWENTY-FIRST DAY.

SENATE CHAMBER, }

AUSTIN, TEXAS, February 3, 1887. }

The Senate met pursuant to adjournment.

Lieutenant Governor Wheeler in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Armistead,

The reading of the Journal of yesterday was dispensed with.

On motion of Senator Field,

Senator Garrison was excused indefinitely, on account of important business.

#### PETITIONS AND MEMORIALS.

BY SENATOR M'DONALD :

Petition of citizens of Lamar county, against the pending House insurance bill.

Referred to Committee on Insurance, Statistics and History.

And petition of citizens of Lamar county, against the Jarvis telephone bill.

Referred to Committee on Internal Improvements.

And petition of citizens of Lamar county, praying for a law to prevent wholesale liquor dealers from giving away liquor, or permitting the same to be drank on their premises.

Referred to Judiciary Committee No. 2.

BY SENATOR GREGG:

Petition of citizens of Palestine, Anderson county, against the insurance bill.

Referred to Committee on Insurance, Statistics and History.

BY SENATOR ARMISTEAD:

Memorial from citizens of Texarkana,

against the passage of the Moore insurance bill.

Referred to Committee on Insurance, Statistics and History.

BY SENATOR CALHOUN:

Petition of citizens of Colorado, Texas, against the insurance bill.

Referred to Committee on Insurance, Statistics and History.

BY SENATOR DOUGLASS OF GRAYSON:

Petition of citizens of Grayson county, against the Moore insurance bill.

Referred to Committee on Insurance, Statistics and History.

BY SENATOR SIMKINS:

Petition of citizens of Ellis and Navarro counties, praying for the establishment of a reformatory.

Referred to Committee on Penitentiaries.

BY SENATOR SIMKINS:

Petition of citizens of Texas, for establishment of a reformatory.

Referred to Committee on Penitentiaries.

BY SENATOR WOODWARD:

Petition of city council of the city of Victoria, suggesting an amendment to Article 418, title 17, Revised Civil Statutes.

Referred to Judiciary Committee No. 1.

BY SENATOR ABERCROMBIE:

Protest of citizens of Brazos county, against passage of bill to abolish civil jurisdiction of county courts.

Referred to Judiciary Committee No. 1.

BY SENATOR BURNEY:

Petition of citizens of Medina, Atascosa, and other counties, asking the passage of the scalp law.

Referred to Committee on Stock and Stockraising.

And petition of citizens of San Antonio, against the passage of the Moore insurance bill.

Referred to Committee on Insurance, Statistics and History.

BY SENATOR CALHOUN:

Petition of citizens of Eastland county, for geological survey of the State.

Referred to Committee on State Affairs.

BY SENATOR CLAIBORNE:

Petition from citizens of Galveston, asking legislation to prohibit the running of "bucket shops" in this State.

Ordered to lie on table to be considered in connection with the bill.